

Memorandum

TO: Sen. Andy Wells and Rep. Sarah Stevens—Co-Chair and Vice-Chair of the Joint Legislative Administrative Procedure Oversight Committee

FROM: Bob Hornik (General Counsel for the Town of Hillsborough) and Brady Herman

DATE: August 20, 2019

RE: Response to the Requirements set forth in Section 3 of Session Law 2019-198 (Senate Bill 584) for the Town of Hillsborough, N.C.

Attached is the response of the Town of Hillsborough, North Carolina to the requirements set forth in Section 3 of Session Law 2019-198 for towns with a population of 1,000 or more. The attached document contains a list of all Hillsborough's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, here is a [link](#) to the Town of Hillsborough's website for a reference to the ordinances summarized.

If you have any questions about this Memorandum, please contact either Bob Hornik by email at Hornik@broughlawfirm.com, or Brady Herman at bherman@broughlawfirm.com, at The Brough Law Firm, tel: (919)-929-3905. Also, please acknowledge receipt of this Memorandum.

Chapter 5- General Offenses

ARTICLE I—NOISE

Sec. 5-1--- Loud, raucous and disturbing noise: Prohibit any person to authorize or cause to be emitted from his or her property any loud, raucous and disturbing noise. For the purposes of this section, loud, raucous and disturbing noise is defined as any sound which because of its volume level, duration, or character, annoys disturbs, injures or endangers the comfort, health, peace or safety of a reasonable person within the limits of the Town.

Sec. 5-2--- Prohibited noise: Prohibits (1) the blowing of any motor vehicle horn except when the horn is used as a warning device; (2) the operation or authorization to use or operate any electronic device for the production or reproduction of sound that disturbs the comfort, quiet, or repose of Town citizens or that creates an unreasonably loud noise disturbing to person located on public property; (3) the creation of any unreasonably loud noises that substantially interferes with any church, theater, library, or other similar place of assembly; (4) the keeping or harboring of any animal that habitually or frequently howls, yelps, barks, cries, or other noises which unreasonably disturbs the quiet, comfort or repose of any person; (4) operating any commercial grade noise-creating blower, power fan, internal combustion engine or other machinery which operation causes unreasonably loud noise; (5) using any bell, siren, or whistle upon any vehicle other than police, fire, or other emergency vehicle; and (6) playing or operating any radio, CD player, or other sound-producing instrument, device, or apparatus installed and located in a motor vehicle and the volume level is elevated to the extent the sound is clearly audible more than 50 feet from the vehicle.

ARTICLE II—Other General Offenses

Sec. 5-6—Discharge of firearms, air rifles and other weapons: Prohibits discharging or shooting (1) any firearm within the Town, or (2) any air rifle, air pistol, BB gun, pellet gun, pump gun, bow and arrow, or similar weapon within 100 yards of any building, house, or gathering of people within the Town. These sections do not apply to police officers acting in the performance of their respective duties or private citizens acting in self-defense or pursuant to the lawful directions of a police officer.

Sec. 5-7—Operation of public enterprises without franchise prohibited: Prohibits: (1) operating within the Town any public enterprise, as defined by the General Statutes, without first obtaining a franchise from the Town; or (2) continuing to operate such public enterprise after the expiration of such franchise.

Sec. 5-8--- Consumption of beer and wine on public property: Prohibits consuming or possessing open containers of any alcoholic beverages, as defined by state law, on any streets, sidewalks, municipal parking lots or any other property owned or occupied by the Town.

Sec. 5-8.a.—Private use of public space—Allowance of outdoor seating on public sidewalks upon issuance of an outdoor seating permit: Requires all business operators to obtain and secure a permit from the Town in order to serve customers at tables placed outside of, and immediately adjacent to their places of business on the public sidewalk. Any permit issued shall remain in effect until the yearly renewal of the outdoor seating permit is due or until such time that the owner decides to alter the layout, furniture, and/or seating area for food and beverage service, whichever occurs first. The owner is responsible for the good repair and maintenance of the outdoor area.

Sec. 5-8.b. - Allowance of service, possession and consumption of malt beverages and unfortified wine within the town right-of-way or on town property during public events upon the issuance of an alcohol permit: Requires applying for and obtaining an alcohol event permit from the Town Board of Commissioners in order to serve malt beverages and/or unfortified wines during public events. The alcohol event permit to serve alcohol shall last only for the time period specified by the Board, including rain dates if requested and granted by the Town. Recurring events must file new application for each discrete event.

Sec. 5-9—Begging, panhandling, or soliciting alms or contributions: Prohibits begging, panhandling, or soliciting alms or contributions (1) in a public place in a manner to intimidate another person, accosting another person, or by forcing oneself upon the company of another; (2) from another person within 20 feet of an entrance to a bank, financial institution, or ATM; or (3) in a public transportation vehicle owned or operated by the Town or at any station for such vehicle or within six feet of any bus stop.

Sec. 5-10—No Trespassing regulations: Prohibits trespassing upon a premise of another after being notified by the Town Police Department via a letter that the person is prohibited from trespassing on another's private property or Town property.

Sec. 5-11—Handguns, weapons prohibited on Town Property: Prohibits any person to carry any unconcealed firearms or weapons on any property owned by the Town.

Sec. 5-12—Indecent and obscene exposure and acts, and public urination and defecation: Prohibits urinating, defecating, indecently exposing their bodies, or conducting any type of obscene act on any public property or private property. Having permission of the owner or person in lawful possession will constitute an affirmative defense on the violation on private property.

Chapter 6- Motor Vehicles and Traffic

ARTICLE II—TRAFFIC CONTROL AND TRAFFIC DEVICES

Sec. 6-5—One-way streets: Prohibits driving a vehicle on a street contrary to the direction indicated by the traffic control devices.

Sec. 6-7—Turning regulated: Prohibits (1) making a U-turn on any street except at the terminus of a dead end street; and (2) driving vehicles contrary to the direction of the traffic control devices that clearly indicate that right or left turns, or all turns are prohibited or required from a particular lane of traffic.

Sec. 6-8—Unlawful Passing: Prohibits any driver to overtake pass another vehicle on any portion of any street where there are traffic control devices that clearly indicate that no passing is allowed.

Sec. 6-10—Weight limitations on certain street: Where there are traffic control devices clearly stating that through trucks are prohibited on a street, prohibits driving any heavy trucks and other vehicles having an axle load limit of 13,000 lbs on those streets. This restriction does not apply if the trucks destination or point of origin is on that street or the only access to the property is the trucks point of origin or destination is over "no through truck" streets, as set forth and designated in this section.

Sec. 6-11—Blocking intersections and crosswalks: Prohibits any driver to enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing or interfering the passage of the other vehicles and pedestrians.

ARTICLE III—SPEED LIMITS

Sec. 6-19—General speed limit: Pursuant to the General Statutes, prohibits driving a vehicle on a street or in a public vehicular area in excess of 35 mph unless a different speed limit is established by this Article or an ordinance amending the Town Code.

Sec. 6-20—Established speed limits posted: Whenever a speed limit is established by the Town Code and an appropriate traffic control device is installed clearly indicating the established speed limit, prohibits any driver to operate a vehicle in any street in excess of the posted speed.

Sec. 6-36—Funeral processions: When the chief of police gives adequate notice to other drivers of the existence of a funeral procession, prohibits driving a vehicle between the vehicles partaking in the funeral procession when such vehicles are in motion.

Sec. 6-37—Special provisions for bicycles, toy vehicles, ect.: Prohibits (1) roller skates, roller blades, or a skateboard or riding in or by means of any coaster, toy vehicle, or similar devices upon the roadways set forth and designated in the Town Code or have such devices attached to any moving motor vehicle; (2) bicycles upon any sidewalk of the streets set forth and designated in the Town Code; (3) carrying any person upon the handlers, tank, or other part of a motorcycle or bicycle not designated for carrying passengers. This section does not apply to wheel conveyances motorized and otherwise to transport small children, physically disabled persons, or used by law enforcement officials pursuant to their duties.

ARTICLE VII—REGISTRATION AND LICENSE TAX

Sec. 6-40—Operation of motor vehicle without payment of tax: Prohibits operating or maintaining within Town limits any motor vehicle for which a tax is required to be paid with North Carolina Division of Motor Vehicles, unless the tax has been paid pursuant to the payment of motor vehicle license tax section in the Town Code.

Chapter 7- Street and Sidewalks

ARTICLE I—OBSTRUCTIONS

Sec. 7-1—Obstructions prohibited: Prohibits obstructing or impeding travel in any public streets or sidewalks within the Town by placing or leaving any object within the traveled portion of the public right-of-way. This restriction applies but is not limited to goods, wares, or merchandise for sale. Temporary obstruction may be permissible upon an issued permit from the Town Administrator; however, no person may cause, suffer, or permit the operation of a sidewalk sale in violation of the conditions attached to the permit. This section does not apply to temporary obstructions caused by persons engaged in construction work on abutting property with a proper warning device.

Sec. 7-2—Overhanging or protruding trees, shrubs, fences, ect.: Prohibits a property owner to cause or allow, from his property under his control, any tree limb, bush, shrub, or other growth or other

obstruction to overhang (1) a public street at a distance of less than 12 feet above the traveled portion of the street or (2) a public sidewalk at a distance of less than 7 feet above such sidewalk. Also prohibits any property owner to cause or allow grass, vines, weeds, or other vegetation growth from his property over onto, or across any public street or sidewalk.

Sec. 7-3—Drainage related interference with sidewalks: Prohibits any property owner to cause or permit gutters, ditches, ducts, or drain pipes to be constructed in such a manner that the water from these drainage systems empties onto or runs across a public sidewalk or street. Requires all property owners abutting concrete, brick, or other permanently improved public sidewalk to grade such property or construct a retaining wall in such a manner as to prevent the washing of material upon town sidewalks.

Sec. 7.4—Warnings required for obstructions: Requires all person engaged in work that creates any dangerous condition or obstruction in the public right-of-way, street, or sidewalk to take whatever action necessary to warn the traveling public of the dangerous condition or obstruction. Prohibits removing, destroying, injuring, or tampering with any device placed in the street or sidewalk for the purpose of warning or giving notice to the general public of a dangerous condition or obstruction.

Sec. 7-5—Depositing injurious material on street: Prohibits throwing or depositing on any public street, sidewalk, or right-of-way any glass, nails, containers, or any other substances likely to injure a person or animal. Requires all persons in violation of this section to immediately remove the materials from the public street, sidewalk or right-of-way.

Sec. 7-6—Snow and ice removal: Requires all occupants of a store building to remove snow, ice, or other similar obstruction on the sidewalk in front of the store at the earliest possible time and as soon as weather permits.

Sec. 7-7—Maintenance of area between curb and property line; drainage swales: Requires all owners of property or tenant who's property has frontage on a public street to be responsible for (1) seeding, landscaping, or otherwise improving the area between curbs and property line; (2) maintaining the area by mowing the area and keeping it free of obstruction and/or noxious growth; and (3) mowing and otherwise maintaining drainage swales so that it can serve its proper drainage functions, provided that the property has a drainage swale running along the public street.

ARTICLE II- Driveways and Excavations

Sec. 7-11—Driveways: Prohibits opening, constructing, altering, or relocating any driveway across any public sidewalk or street, or cutting any curb without have obtained a written permit from the Town administrator. Any person who receives a permit under this section is responsible for repairing any damage to the sidewalk, street, or curb caused by the driveway construction secured by the permit. Also prohibits any driveway to be constructed closer than three feet to a fire hydrant or catchbasin, or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto. This section does not apply to driveways that open onto state-maintained streets provided that the state has approved the driveway construction.

Sec. 7-12—Excavations: Prohibits digging in or excavating any street or sidewalk within the Town without having obtained a valid written permit from the Town administrator. All persons who obtain a permit under this section is responsible for putting the street or sidewalk in as good condition as it was

prior to the excavation. This section does not apply to any utility provided that the same subject matter is covered in a franchise ordinance for the applicable utility, or excavations made in a state-maintained street to the extent the state has given permission for such excavation to be made.

ARTICLE III- TOWN PARK USE AND EVENT MANAGEMENT

Sec. 7-23—Piggyback events: Requires event organizers who encourage multiple events at the same time or smaller events to adjoin larger events, also known as “piggyback events,” are required to obtain a special event permit from the Town, even if their event might not otherwise require a permit if conducted separately.

Sec. 7-25—Permit Denial: The Town will deny a special event permit in the following circumstances: (1) if the application and accompanying documentation is incomplete, insufficient, or does not provide enough information and the event organizer is unwilling to provide this information; (2) if the applicant fails to remit the fees for the administration of the permit; (3) the town determines that it will not be able to ensure public health and safety during the event; or (4) the event organizer has a poor record of conformance with the permit requirements.

ARTICLE IV—MISCELLANEOUS

Sec 7-31—Damaging street surfaces, street signs and facilities: Prohibits (1) intentionally defacing, removing, or damaging, or otherwise interfering in any manner with any of the public street signs, traffic control signs, or other signs erected by the Town; (2) dragging, running, or causing to be dragged or run upon any public street any machine or tool likely to injure or cut the streets surface; and (3) intentionally damaging, injuring, obstructing, or otherwise interfering with any street, sidewalk, bridge, culvert, ditch, or drainage system owned or operated by the Town.

Sec. 7-32—House and building numbers: Requires every house and principle building to display on the front thereof, or on the grounds in a position easily observed from the street, the address number assigned to his house or building by Town administrator. Prohibits (1) displaying any number other than the number assigned by the Town administrator on any house or building; and (2) removing, obliterating, or destroying any number displayed on said house or building.

Sec. 7-34—Regulation of alley traffic between West Margaret Land and N and K streets: Requires the ten-foot alleyway between said street shall be used exclusively for pedestrians, bicyclists, and as an underground utility corridor. Prohibits north and south traffic and parking on these streets. Incidental vehicular crossings in any direction are permitted if the property cannot be reached, otherwise all other public use is restricted.

Chapter 8- Trades and Businesses

ARTICLE V—INSULATION CONTRACTORS LICENSE

Sec. 8-41—License required: Prohibits installing, altering, or restoring within the Town any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code without a license pursuant to the Code. This section does not apply to general contractors who

are licensed pursuant to the General Statutes, persons working under the supervision of a registered architect or professional engineer, or any owner working upon his own building.

ARTICLE VI—TAXICABS

Sec. 8-50(a)—Privilege License: Prohibits any person to conduct a taxicab business within the Town unless such person has been issued a privilege license from the Town pursuant to the Town Code.

Sec. 8-52(a)—Operator's permit: Prohibits any person to operate a motor vehicle as a taxicab without a valid taxicab's operators permit issued by the deputy tax collector and in accordance with the Town Code.

ARTICLE VII- PREPARED FOOD AND BEVERAGE TAX

Sec. 8-65(b)—Penalties: Any person who willfully attempts to evade a tax imposed under this article in the Town Code or who willfully fails to pay the tax or make and file a return will be guilty of a misdemeanor in addition to all other penalties provided by law.

Chapter 8A- Hotel and Motel room Occupancy Tax

Sec. 8A-3—Penalties: Prohibits any person firm, corporation, or association who fails or refuses to file a room occupancy tax or pay a room occupancy tax as required by this Chapter of the Town Code and will be subject to civil and criminal penalties set forth by G.S. 105-236 for failure to pay or file a return for state sales and use taxes.

Chapter 9- State of Emergency

Sec. 9-7—Penalties: Pursuant to G.S. 14-288(e), any person who violates a proclamation implemented by the mayor which imposes a curfew during a state of emergency and violates this section shall be guilty of a misdemeanor.

Chapter 10- Regulation and Control of Animals

Sec. 10-1—Roosters prohibited: Prohibits causing, suffering, or permitting any type of rooster to be kept on any property situated within the Town limits.

Sec. 10-2—Keeping farm animals inside city limits: Small farm animals and fowl may be kept on property within the town under the following circumstances: (1) small farms animals, which include, but not limited to goats, sheep, rabbits, etc., must be less than 500 pounds at maturity; (2) fowl are feathered animals that must weigh less than 50 pounds; (3) minimum lot size for keeping fowl is 10,000 sq/ft.; (4) animals must be kept secured on site under sanitary conditions, including adequate food, water, and shelter; (5) Pens, roosts, hutches, etc.. must be located at least 50 feet from the nearest adjacent structure not owned by the farm animal or fowl owner. Large farm animals may be kept on property within the Town under the following circumstances: (1) the lot on which the large animals are kept is at least one acre in size; (2) grazing animals, such as horses, cows, donkeys, etc., must have one acre per adult animal of grazing area available to them, not including buildings; (3) large animals are kept and secured on site under sanitary conditions with adequate food, water, and

shelter; and (4) barns, stables, etc. for the animals must be located at least 50 feet from the property lines.

Chapter 11- Solid Waste and Environmental Regulations

ARTICLE II—CONTROL OF SOLID WASTE, SCRAP MATERIALS AND NOXIOUS GROWTH

Sec. 11-2—Accumulation of solid waste: Prohibits causing, suffering, or permitting solid waste to accumulate or remain on premises under his control except in accordance with Article III of this chapter. The accumulation of solid waste with a volume greater than 300 cubic feet for a period of more than 21 days will constitute a public nuisance and will be abated pursuant to the Town Code.

Sec. 11-4—Transportation of solid waste within the Town: Prohibits transporting or causing to transport any solid wastes on public streets within the Town unless the solid wastes are secured in a way that no solid wastes can escape from the transporting vehicle. Also requires all garbage that is transported to be carried in closed containers so that it prevents the escape of any noxious odors or liquids.

Sec. 11-5—Burning or burying solid wastes: Prohibits burning or causing to be burned (1) any garbage for purposes of disposal, (2) any refuse except as specifically authorized by the Fire Prevention Chapter in the Town Code, and (3) any solid waste for purposes of disposal.

Sec. 11-6—Declaration of policy for scrap materials, tires: Prohibits the accumulation of scrap materials or tires on any premises as it constitutes a danger to the public health, safety, and welfare of the Town citizens.

Sec. 11-7—Accumulation of scrap materials, scrap tires: The following accumulations of scrap materials are prohibited and will constitute as a public nuisance and will be abated: (1) the accumulation of scrap material with a volume greater than 300 cubic feet for a period of more than 21 days; (2) the accumulation of more than 12 scrap tires on a residential premise if stored in an outside structure; or (3) the accumulation of 150 or more scrap tires on a nonresidential premises if they are not stored within a structure or within a container outside of a structure as to minimize the dangers that can result from the accumulation of scrap tires.

Sec. 11-8—Noxious Growth: Prohibits (1) causing, suffering, or permitting on his or her premises any growth of weeds, grasses, or other plants or vegetation that becomes or threatens to become a fire hazard, or is a harboring place for rats, mice, snakes, or other vermin or otherwise poses a danger to the public health and safety; or (2) noxious growth that is at least 8 inches in height and remains for a period of more than 21 days, which will constitute as a nuisance and will be abated.

ARTICLE III- STORAGE AND COLLECTION OF SOLID WASTES

Sec. 11-16—Property owner responsibility for solid waste receptacle: Requires every owner of a premise within the Town to be responsible for providing adequate solid waste receptacles in accordance with the Town Code to store the solid wastes generated by activities that take place on those premises between scheduled pickups.

Sec 11-18—Storage and collection practices/Premises served by dumpsters: Requires all solid wastes to be store in dumpsters pending collection by the town and where solid wastes are not placed in the dumpsters the Town will not collect these items.

Sec. 11-19—Premises not served by dumpsters: Prohibits causing, suffering, or permitting any garbage can or solid waste receptacles (other than the rollout containers provided by the Town) to be stored in any location that does not comply with the provisions of this Article dealing with the storage location of mobile containers. Also prohibits any tree limbs, shrubs, or other materials to be mixed in with leaves prepared for collection by the Town. Requires bulk items to be collected once a month during the second full week of each month and bulk items may be placed at the curbside no earlier than 7 calendar days before the scheduled collection date. Containers weighing more than 75 pounds or hedge cuttings more than 69 inches in length or four inches in diameter, furniture, and similar items will be collected only pursuant to special collection Sec. 11-20.

Sec. 11-20—Special Collections: Permits solid wastes that are too bulky, heavy, or cumbersome to be collected by the Town, may be collected pursuant to a request made to the sanitation superintendent and a payment of a fee for this service, which must be paid in advance. The town reserves the right to refuse any request made pursuant to this section and the failure of the town to provide this service shall not relieve any person of any of the obligations imposed by this article.

Sec. 11-21—Miscellaneous: Requires all persons who are affected by a determination made by the sanitation superintendent pursuant to this Article to comply with those determinations within 15 days after receiving written notice. Failure to comply with the determinations after given proper notice will be a violation of this Article. Prohibits damaging, displacing, or otherwise interfering with solid waste receptacles or solid waste stored or prepared for collection except with the affirmative consent from the owner, lessee, or occupant of the premises where those receptacles or solid wastes are located.

Sec. 11-22—Limitations on solid waste materials collected by the Town: Prohibits disposing any of the following items in receptacles designated for town solid waste collection: oil-based paints or paints with ignitable solids, hazardous materials as classified by the U.S. Environmental Protection Agency, gas tanks and oil drums, asbestos, large dead animals, recyclable corrugated cardboard as defined in this section of the ordinance, antifreeze, aluminum cans, or used oil.

Chapter 12- Fire Protection

ARTICLE I—INTERFERENCE WITH FIREFIGHTERS; FALSE ALARMS

Sec. 12-2—Riding on fire department apparatus: Prohibits any person other than a member of the Town Fire Department to mount or ride upon any fire engine, wagon, or apparatus before it leaves the station, while in transient to or from a fire, or at any other time except with the express permission of the driver or officer in command.

Sec. 12-3—Congregating at fires: Prohibits congregating on the streets, sidewalks, or other areas adjacent to a fire as to interfere with the operations of members of the Town’s Fire Department.

ARTICLE II—FIRE PREVENTION

Sec. 12-10—Blocking or obstructing exits: Prohibits (1) blocking or obstructing, partially or totally, any fire escape, balcony, hallway, stairway, corridor, ramp, or other passageway or means of egress from any building (other than a single-family residence) during the hours such building is occupied; (2) any person having control over any fire escape or other area to cause, suffer, or permit any such area to be blocked or obstructed while the building to these areas is occupied; and (3) locking any doors used for egress against the path of exit travel when the building served by the means of egress is occupied.

Sec. 12-11—Marking and lighting of exits: Requires (1) rooms accommodating or designated to accommodate more than 50 persons to be marked with exit signs approved by the fire chief and are sufficiently illuminated to be readily visible when the room or space is occupied; (2) if exit doorways are not visible, directional signs approved by the fire chief must be placed on walls or other conspicuous locations to direct occupants to doorways; and (3) fire escapes, stairways, hallways, and other means of egress to be adequately lighted at all time that the building is occupied.

Sec. 12-12—Number of occupants permitted: Requires all rooms accommodating or designated to accommodate 50 or more persons to post a legible sign conspicuously stating the maximum number of persons permitted in that room, which shall be determined by the Town's fire chief. The owner or other person having control of the assembly of persons in any room with a sign posted pursuant to this section must prevent that room from having more people than is authorized.

Sec. 12-13—Fire Extinguisher Required: Requires any owner or other person in charge of any nonresidential premises to install sufficient portable fire extinguishers, of a kind and in locations designated by the fire chief, to ensure reasonable protection to persons and property.

Sec. 12-14—Open burning: Prohibits (1) burning or causing to be burned any material outside of a building without a permit issued by the Town's fire marshal; and (2) burning of debris and materials resulting from the clearing for or construction of roads, or the clearing for or construction of new buildings, unless it complies with the requirements set for in this section of the Town Code. Burning is only permitted on property owned or occupied by the person doing the burning, or his agent, and only in accordance with the terms of the permit. Burning is explicitly prohibited within 50 feet of any structure, unless outdoor burning of leaves, brush, grass etc. is done within a container approved by the fire marshal, and the container is located not less than 15 feet from any structure.

ARTICLE III-- MISCELLANEOUS

Sec. 12-23—Fire prevention inspection fee established: Prohibits failing to pay the inspection fee in a timely manner for inspections conducted by or on behalf of the Town, as authorized by the North Carolina State Fire Prevention Code.

Chapter 13- Cemeteries

ARTICLE II—GENERAL REGULATIONS

Sec. 13-3—Burial only in cemeteries: Prohibits burying or causing to be buried the body of any deceased person within the Town limits in any place other than a church cemetery, a cemetery operated by a governmental entity, or a private cemetery licensed or specifically exempted from the licensing requirements according to Article 9 of G.S. Chapter 65 (the North Carolina Cemetery Act).

Sec. 13-4—Disruptive activity prohibited: Prohibits (1) driving any motor vehicle in any cemetery except upon the main roads or avenues; (2) driving or parking any motor vehicle in any cemetery unless in attendance for a burial service or otherwise engaged in activities consistent with the use of a cemetery; (3) taking any dog (except on a leash) or other animal into any cemetery or allowing any animal to run at large therein; (4) intentionally disrupting any funeral services or disturbing the quiet and good order of any cemetery by extremely loud or boisterous conduct; (5) carrying or discharging any firearms in any cemetery unless military funerals and veterans or military commemorative exercises are taking place; and (6) posting or attaching any bills, posters, placards, pictures or other form of political or commercial advertising within the cemetery.

Sec 13-7—Hours of operation: Mandates that the Town cemetery will remain open to the public throughout the year from sunrise until sunset, however, no person may enter the Town cemetery at any time other than those established hours.

Sec. 13-8—Trees; plantings; landscaping: Prohibits (1) planting, pruning, or removing any tree, shrub, flower, grass, or other plant of any kind located within the cemetery; and (2) placing on or around any gravesite any fence, border, picture, or other self-described memoriam between March 1 and October 31 of each year.

ARTICLE III- DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Sec. 13-14—Speculation in burial rights prohibited: Prohibits (1) purchasing or otherwise acquiring any burial rights for the purpose of sale or exchange, (2) selling or exchanging any burial right for a profit or gain, or (3) a resident of the Town or Town tax paying nonresident to purchase or otherwise acquire any burial rights at an in-town purchase rate for the intended burial of an out-of-town resident.

ARTICLE V- BURIALS

Sec 13-21—Burial Procedure: Prohibits opening any grave or burying in a Town cemetery except by a licensed funeral director and until a grave space for the burial has been marked by a Town representative. The licensed funeral director is responsible for any burial in a Town cemetery and responsible for ensuring that the grave spaces opened in connection with any funeral conducted by him/her are restored to the reasonable satisfaction of the public works director or other administrator designated by the Town manager. Also prohibits any grave to be opened to a depth of less than five feet from the bottom except in cases of cremations and no mounds are allowed on the grave sites. Requires (1) all graves to be level with the surrounding areas, and (2) the usage of each burial space is limited to either the interment of one human body, the interment of one human body and one cremation urn, or the interment of no more than four cremation urns.

Sec. 13-23—Disinterment procedure: Prohibits any disinterment to take in a Town cemetery except by a licensed funeral director or his employees pursuant to a valid permit issued by the County Health Department. The town must be notified at least ten hours in advance of any disinterment. Requires (1) the marking of graves prior to opening for disinterment according to the specifications and in the presence of the public works supervisor, or other designated town representative; and (2) all disinterred graves must be restored to a condition level with the surrounding areas.

Chapter 14- Utilities

ARTICLE II- SERVICE REGULATIONS

Sec. 14-11—Access to premises: Requires the Town to have access to all customers premises during reasonable hours for the purpose of installing or removing Town property, inspecting piping or apparatus, reading or testing meters, or any other purpose in connection with the Town's service or facilities. Requires all customers to be responsible for ensuring that there are no physical barriers preventing access to customer's premises and that dogs or other animals on the customer's premises are restrained in a manner that they do not interfere with the Town's lawful access to the customers premises.

Sec. 14-16-- Prohibited activities: Prohibits any unauthorized person to: (1) supply or sell any water to the Town system without the specific authorization from the Town; (2) manipulate, tamper with, or harm in any manner whatsoever any waterline, sewer line, main, or appurtenance or any part of the water or sewer system; (3) tamper with the water meter so as to alter the true reading for the amount of water consumed; (4) attach or cause to be attached any connection to the waterline before the water meter is installed; (5) knowingly make any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Chapter; and (6) use the water from the Town system without written permission from the Town.

Sec. 14-19—Irrigation system requirements: Prohibits (1) any spray irrigation to occur more than three days per week or (2) occur between 9:00 a.m. and 8:00 p.m. These restrictions do not apply to properties using underground, drip irrigation, micro spray, low precipitation bubblers, hand watering, or where watering of containerized plants and commercial plant stock in trade is maintained for resale. Regardless of the irrigation methods used, prohibits more than one inch of water to be applied to plant material in any given week. Requires (1) all irrigation systems to be equipped with automatic controllers that active the system; (2) rain or soil moisture sensors that will prevent irrigation during periods of rainfall; and (3) all hoses used for hand watering, car washing, or other allowable outdoor uses to be equipped with shutoff nozzles.

ARTICLE III- TOWN AND CUSTOMER RESPONSIBILITIES

Sec. 14-22—Customer's responsibilities: Prohibits making or causing to be made any cross-connection with a private water supply. Requires all customers within the Town to: (1) maintain the water piping system on his property at his expense and in a safe an efficient manner in accordance with all applicable regulations of the state; (2) guarantee protection for Town facilities or equipment located on customers property; (3) pay the cost of relocating town owned facilities and equipment if done at the customer's request; (4) install proper backflow prevention devices or a pressure reducing valve if deemed necessary by the Town; (5) install a sewer cleanout to Town specifications at their property line adjoining the Town's rights-of-way and/or easement; (6) be responsible to the Town for damage to Town property that is the fault of the customer; (7) secure any easements or encroachment agreements required to extend service lines to customer property outside the Town; convey to the Town a perpetual easement across any property owned by the customer that is necessary to allow maintenance of lines providing service requested by the customer; (8) be responsible for his water service line and plumbing; and (9) maintain sufficient clearances around the Town water and sewer apparatus located near or on customer's property to enable access.